

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DEVIN BRANDIS PUGH,)	
)	
Plaintiff,)	
)	
v.)	
)	CASE NO. 2:25-cv-53-RAH-JTA
DEPARTMENT OF MENTAL)	(WO)
HEALTH AND HUMAN SERVICES,)	
)	
Defendant.)	

ORDER

Before the court is the motion for leave to proceed remotely filed by *pro se* Plaintiff Devin Pugh on March 24, 2025. (Doc. No. 13.) For the reasons stated below, the motion is due to be denied.

I. DISCUSSION

Plaintiff moves to appear remotely pursuant to Rule 43(a) of the Federal Rules of Civil Procedure. Rule 43(a) provides:

At trial, the witnesses' testimony must be taken in open court unless a federal statute, the Federal Rules of Evidence, these rules, or other rules adopted by the Supreme Court provide otherwise. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

Fed. R. Civ. P. 43(a).

No court proceedings are currently set. Plaintiff states no grounds at all for the need to appear remotely. Neither does he mention how or why his disability creates a need for his remote appearance. Plaintiff has not demonstrated good cause or compelling


circumstances. Hence, his motion does not satisfy the requirements of Rule 43(a) and is due to be denied.

As Plaintiff has previously been advised, he must comply with the Federal Rules of Civil Procedure. (*See* Docs. No. 10, 11.) That includes Rule 5 of the Federal Rules of Civil Procedure, which requires a certificate of service to be filed with all motions, pleadings, and other papers nonelectronically filed with the court. Fed. R. Civ. P. 5(a)(1)(D), (d)(1)(B)(i). Plaintiff's motion lacks a certificate of service. **Going forward, the court may strike documents for repeated failure to include a certificate of service and failure to comply with this order.**

II. CONCLUSION

Accordingly, it is ORDERED that the motion for leave to appear remotely (Doc. No. 13) is DENIED.

DONE this 2nd day of April, 2025.



JERUSHA T. ADAMS
UNITED STATES MAGISTRATE JUDGE